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Attorneys for Plaintiff,
CELLSPIN SOFT INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CELLSPIN SOFT, INC.,

Plaintiff

v.

FITBIT, INC.,
MOOV, INC.,
NIKE, INC.,
UNDER ARMOUR, INC.,
FOSSIL GROUP, ET AL.,
GARMIN INTERN., INC., ET AL.,
NIKON AMERICAS, INC.,

Defendants.

**NOTICE OF SUBMITTED MATTERS
AND NOTICE OF WITHDRAWAL
OF PLAINTIFF'S SUPPORT FOR
PROPOSED SCHEDULING ORDER**

Case No. 4:17-CV-05928-YGR
Case No. 4:17-CV-05929-YGR
Case No. 4:17-CV-05931-YGR
Case No. 4:17-CV-05932-YGR
Case No. 4:17-CV-05933-YGR
Case No. 4:17-CV-05934-YGR
Case No. 4:17-CV-05936-YGR

Plaintiff Cellspin Soft, Inc. (“CS” or Plaintiff) respectfully files this notice of submitted matters under Civil L.R. 7-13, and to notice Plaintiff’s withdrawal of its support for a pending Proposed Scheduling Order for all Related cases.

Cellspin is filing concurrently a motion to enlarge time for factual discovery and all subsequent deadlines by about 4 (four) months to avoid prejudice to Cellspin and other Related Defendants, who are all on the same schedule. Nike may require some additional time to respond to discovery requests Cellspin has already served but to date Nike has refused to provide discovery on related to a third of three Bluetooth Accused Wearables (Adapt shoes and App). A submitted motion is pending to include this third Nike wearable. *See* CS v. Nike, Case No. 4:17-cv-05931-YGR, Dkt. 157 (May 26, 2021).

Filed	Case Name	Case No.	Dkt.	Title Motion Under Submission.
11/2/20	CS v. Garmin	4:17-cv-05934-YGR	133	Defendants’ Motion for Leave to Amend Their Invalidity Contentions
5/26/21	CS v. Nike	4:17-cv-05931-YGR	157	Plaintiff’s Notice and Motion for Leave to Supplement P.R. 3-1 to Add New Product Introduced After Start of Litigation
5/28/21	CS v. UA	4:17-cv-05932-YGR	137	Joint Discovery Letter Brief

Additionally, by this notice Cellspin withdraws its approval of a prior submission to the Court to enter a stipulated Proposed Joint Omnibus Scheduling Order, filed in *Cellspin Soft, Inc. v. Fitbit, Inc.*, Case No. 17-cv-5928-YGR, Dkt. 184 (March 12, 2021). It appears Defendants’ productions took longer than they expected, as Defendants continue to produce

documents to date. Defendants' production delay of basic technical information on the Accused Instrumentalities has caused a delay in depositions and scheduling of source code review. In fact, most defendants are still refusing to update their discovery responses to confirm that the documents requested either do not exist or in the alternative, are being withheld due to a particular objection as required under Rule 34(b)(2)(A), (B).

As such, there is no reason for the Court or the parties to not apply the facts known to date to address the current discovery problems, which are easily cured with an extension in a case with no set schedule, including a final pretrial conference date.

Respectfully submitted,

Dated: July 6, 2021

GARTEISER HONEA

/s/ Randall Garteiser

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Attorneys for Plaintiff

Cellspin Soft, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this documents was served on Defendants' Counsel via electronic mail via the Court's CM/ECF system.

/s/ Randall Garteiser

Randall Garteiser